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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/455,363	12/06/1999	KAZUAKI TSUCHIYA	ASA-838	5016

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EXAMINER

PYZOCHA, MICHAEL J

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/455,363

Applicant(s)

TSUCHIYA ET AL.

Examiner

Michael Pyzocha

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. Claims 1-22 are pending.
2. Amendment filed 12/06/2004 has been received and considered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 6, 8-10, 13-14, 16-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Jain et al (US 6311218).

As per claims 1, 8, and 16-22, Jain et al discloses a network relaying apparatus comprising: a plurality of I/O ports adapted to be connected to respective network terminals (see figures 1 and 4); means for storing correspondence information indicating correspondence between each of said I/O ports and a network address of each of said network terminals connected to each of said I/O ports (this is an inherent property of a

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bridge/switch); means for storing user authentication information for each of said network addresses; packet communicating means packets through said I/O ports; for transmitting and receiving means for determining a destination of the each packet received via said plurality of I/O ports on a basis of the correspondence information held by said means for storing the correspondence information and for instructing said packet communicating means to transmit said received packets to the determined destination; and packet relaying user authenticating means for determining correspondence of user authentication information and network addresses on a basis of the user authentication information stored in said means for storing the authentication information, wherein said packet relaying means operates to learn whether there is correspondence between an I/O port which has received a packet and said source network address identified in the packet on a basis of the source network address contained in said received packet, request the user authentication information for the source network terminal having the source network address if the change of the content of said means for storing the correspondence information relating to the connecting state of the source network terminal is required by said learned result, instruct said user authenticating means to execute the user

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authentication for user authentication information received in response to the request, and change the content of said means for storing the correspondence information and cause said received packet to be relayed to the determined destination if the user is authenticated to be correct (see column 5 Authenticating a Port and column 6 Controlling Access to the Network).

As per claims 2 and 14, Jain et al discloses the network relaying apparatus is a LAN switch including a virtual LAN (see column 6 lines 44-56).

As per claims 3, and 9-10, Jain et al discloses if the user authentication indicates the user is not correct for said network address, said packet communicating means operates to suppress the change of the content of said means for storing the correspondence information relating to the connecting state of said network terminal and discard the received packet having caused the change (see column 6 lines 19-22) and suppress the transfer of the packet at the I/O port.

As per claims 6 and 13, Official Notice is taken that it is well known in the art to use an IP address as a network address. Motivation to use an IP address would have been known the address of a system on a TCP/IP network.

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Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-5, 11-12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain et al as applied to claims 1 and 8 above, and further in view of Guthrie et al (US 6161185).

As per claims 4-5, 11-12, and 15, Jain et al fails to disclose sending an email to certain entities when authentication fails.

However, Guthrie et al teaches such a method (see column 10 line 39 through column 11 line 17).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Guthrie et al's method of sending an email upon failed authentication in Jain et al's system of user authentication.

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Motivation to do so would have been to notify support people (see Guthrie et al column 10 line 39 through column 11 line 17).

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jain et al as applied to claim 1 above, and further in view of Malkin et al.

As per claim 7 Jain et al fails to disclose communicating using a mobile IP.

However, Malkin et al teaches the use of mobile IP (see page 2 Introduction).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Malkin et al's mobile IP communication technique in the authentication system of Jain et al.

Motivation to do so would have been to support true mobility (see Malkin et al page 2 Introduction).

Response to Arguments

8. In view of amendments to the claims the rejections made under 35 USC 102 in view of Liu have been withdrawn.

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Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hart (US 5752003) is incorporated by reference into Jain et al and teaches a VLAN, "Network Components" teaches the inherency of a router/switch/bridge creating a table and forwarding packets, and Malkin et al also teaches the use of authentication.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



**ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER**